

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHWESTERN DIVISION**

CECIL E. HOPKINS,

individually, and on behalf of a Class of all
others similarly situated,

Plaintiff,

vs.

KANSAS TEACHERS COMMUNITY
CREDIT UNION,

Defendant.

Case No. 08-5052-CV-SW-GAF

**ORDER OVERRULING OBJECTIONS TO SUBPOENA DUCES TECUM TO KUTAK
ROCK, LLP AND COMPELLING PRODUCTION OF DOCUMENTS**

Now pending before the Court is *Plaintiff's Statement of Discovery Dispute* with respect to a *subpoena duces tecum* issued on July 20, 2009 to the law firm of Kutak Rock, LLP.

The subpoena seeks the production of:

“All documents and records, including electronic databases or spreadsheets, that identify all persons to whom your client in the matter captioned as *April Smith v. Centrix Financial, LLC, et al.*, Case No. 0516-CV-05165 (Circuit Court of Jackson County, Missouri), **Centrix Financial, LLC**, sent the pre-sale notices, letters or communications similar to ones the attached hereto as **Exhibit 1**, including copies of all of the pre-sale notices, letters or communications.”

Kutak Rock, LLP objected to the subpoena, contending that the Gramm-Leach-Bliley Act, at 15 U.S.C. § 6802(c), prohibits it from complying with the subpoena. Plaintiff contends that the Gramm-Leach-Bliley Act at 15 U.S.C. § 6802(c), expressly authorizes Kutak Rock, to disclose nonpublic information in its possession if the disclosure of that information would be lawful if made by the financial institution from which it received that information.

The Court finds that the Gramm-Leach-Bliley Act at 15 U.S.C. § 6802(e)(8), expressly allows Kutak Rock, LLP to provide the requested information to Plaintiff in response to his

subpoena. *See id; see also Marks v. Global Mortgage Group, Inc.*, 218 F.R.D. 492, 496 (S.D.W.Va. 2003). The Court also finds that the Gramm-Leach-Bliley Act, at 15 U.S.C. § 6802(e)(3)(E), also permits the release of information to persons acting in a fiduciary or representative capacity on behalf of the consumers. This includes the Plaintiff in this putative class action. *See Her v. Regions Financial Corp.*, 2007 WL 2806558 (W.D. Ark. 2007).

Based upon the above, it is hereby ORDERED that Kutak Rock, LLP provide the documents and records requested in the *subpoena duces tecum* to Plaintiff within 10 days of the Court's Order.

s/ Gary A. Fenner

Gary A. Fenner, Judge
United States District Court

DATED: August 12, 2009